

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed June 9, 2006, claims 1-45 have been rejected. In response, the Applicant has submitted the following remarks and amended claims 9, 21, 23, 36 and 39. Accordingly, claims 1-45 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Rejections Under 35 U.S.C. §102

Claims 1-3, 6-14, 21-27, 29-32, 34-37, 39 and 41-45 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,057,758 to Dempsey et al. (hereinafter Dempsey). The Applicant respectfully disagrees with this rejection.

Dempsey teaches a hand held clinical terminal as well as a system for monitoring physiological condition of a patient. As is discussed by the Examiner in the Office Action, Dempsey discloses a system including at least two portable electronic devices as a first unit 100a and second unit 100b, such that more than one doctor may receive a physiological notification message from a patient 300a. The first and second portable electronic device 100a, 100b are different devices which are designed to be carried by clinicians, caregivers or doctors, and receive live physiological data in a remote location from a patient device 106 via radio wireless signal. However, Dempsey does not teach a single portable electronic device having a first wireless transceiver coupled to a processing circuit, and a second wireless transceiver coupled to a processing circuit, wherein both the first wireless transceiver and second wireless transceiver are configured to receiver data associated with notification messages. Further in the present invention, the first wireless transceiver is configured to operate using a first wireless data transfer method, and the second wireless transceiver is configured to operate using a second wireless data transfer method that is different than the first wireless data transfer method. In other words, the portable electronic device and system of the present invention is configured to receive notification messages from a number of different transfer methods, e.g., by cellular data transfer, by wireless local area network, an IEEE 802.11 protocol or any other protocol know in the art. The Applicant respectfully

submits that no portion of Dempsey teaches such functionality as is described and claimed in the present invention.

Claim 1 directed to a portable electronic device for use in a medical monitoring system that generates a notification message indicating that a patient being monitored may have a condition that requires attention and wirelessly transfers the notification message to the portable electronic device, comprising a processing circuit configured to receive the data associated with the notification messages, a first wireless transceiver coupled to the processing circuit and configured to receive data associated with the notification messages and transfer at least some of the data to the processing circuit, the first wireless transceiver configured to operate using a first wireless data transfer method, and a second wireless transceiver coupled to the processing circuit and configured to receive data associated with the notification message and transfer at least some of the data to the processing circuit the second wireless transceiver configured to operate using a second wireless data transfer method different from that of the first wireless transfer method. As discussed above, Dempsey does not teach the portable electronic device including a first wireless transceiver configured to operate using a first wireless data transfer method and a second wireless transceiver configured to operate using a second wireless transfer method different than the first wireless data transfer method. For at least these reason, the independent claim 1 is allowable over the teachings of Dempsey.

Claims 2-3 and 6-8 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Dempsey. Accordingly, claims 2-3 and 6-8 are also allow as being dependent upon an allowable base claim.

The independent claims 9, 21, 29, 35, 37, 39 and 43 all include the limitations that the system or method as described in the present invention include utilizing a first wireless data transfer method and a second wireless data transfer method different than the first wireless data transfer method if a patient has a condition that may require attention. For the same reasons as discussed with regards to the independent claim 1, the independent claims 9, 21, 29, 35, 37, 39 and 43 are all also allowable over the teachings of Dempsey.

Claims 10-14, 22-27, 30-32, 34, 36, 41-42 and 44-45 are all dependent upon the independent claims 9, 21, 29, 35, 39 and 43. As discussed above, the independent claims 9,

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21, 29, 35, 39, and 43 are allowable over the teachings of Dempsey. Accordingly, claims 10-14, 22-27, 30-32, 34, 36, 41-42 and 44-45 are also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. §103

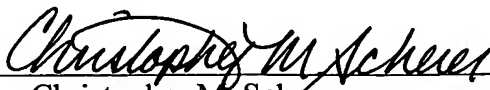
Claims 17, 20, 28 and 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dempsey. Claims 17, 20, 28 and 40 are dependent upon the independent claims 9, 21 and 39. As discussed above, the independent claims 9, 21 and 39 are allowable over the teachings of Dempsey. Accordingly, claims 17, 20, 28 and 40 are also allowable as being dependent upon an allowable base claim.

Claims 4-5, 15-16, 18-19, 33 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dempsey in view of U.S. Patent No. 6,602,191 to Quay (hereinafter Quay). Claims 4-5, 15-16, 18-19, 33 and 38 are dependent upon the independent claims 1, 9, 29 and 37. As discussed above, the independent claims 1, 9, 29 and 37 are allowable over the teachings of Dempsey. Accordingly, claims 4-5, 15-16, 18-19, 33 and 38 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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